



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: 8ENF-W-NP

CERTIFIED MAIL # 7009 3410 0000 2596 5593
RETURN RECEIPT REQUESTED

Monte Yoder, Registered Agent for
Hoffman Southwest Corp.
23311 Madero
Mission Viejo, CA 92691

Re: Request for Information Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318
Issued to Hoffman Southwest Corp.

Dear Mr. Yoder:

The Environmental Protection Agency (EPA) is investigating the compliance of Hoffman Southwest Corp. (Company) with the requirements of the Clean Water Act. As part of the EPA's investigation, the EPA requests that the Company provide the information requested in this letter. The EPA has the authority to request this information under section 308 of the Clean Water Act, 33 U.S.C. § 1318, in order to carry out its responsibilities for protecting our nation's water from pollution.

Please send the requested information no later than **thirty (30) days** of your receipt of this letter to the following:

U.S. EPA Region 8 (8ENF-W-NP)
NPDES Enforcement Unit
1595 Wynkoop Street
Denver, CO 80202-1129
Attn: Laurel Dygowski

The Company's response to this request **must be accompanied by a signed and dated Statement of Certification**, Enclosure 4 to this Request. It must be signed by an individual who is authorized by the Company to respond to this request. The Certification must state that the response is complete and contains all information and documentation available to the company that is responsive to this request. The Company must also correct or supplement its response to this request upon learning that the information it has provided is not accurate or complete.

The Company may claim that the EPA should treat any of the requested information as confidential business information (CBI). To make such a claim, the Company will need to follow the procedures in 40 C.F.R. part 2, subpart B (as promulgated at 41 Fed. Reg. 36902 on Sept. 1, 1976, 43 Fed. Reg. 39997

on Sept. 8, 1978, and 50 Fed. Reg. 51654 on Dec. 18, 1985). If the Company makes a confidentiality claim, the EPA will disclose the information covered by the Company's claim only as allowed by that subpart. Please note that making a confidentiality claim does not guarantee that the EPA will agree that the information is entitled to confidential treatment. If the Company does not make such a claim when it submits the information to the EPA, the EPA may make the information available to the public without notifying the Company. The Company **is required to provide the requested information** even if it claims it is confidential. Enclosure 5 to this Request provides the requirements necessary to make a CBI substantiation.

If the Company is a small business, it may find the enclosed Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet useful. This information sheet contains information on compliance assistance resources and tools available to small businesses. By including this information sheet, the EPA has not necessarily determined that the Company is a small business. SBREFA does not eliminate the Company's responsibility to respond to this information request.

It is very important that the Company respond to this request for information, and its attention to this matter is greatly appreciated. Please note that the failure to provide required information may potentially result in civil penalties of up to \$37,500 per day of violation, and that even harsher criminal consequences are possible in the case of deliberate false statements. (33 U.S.C. § 1319; see also 18 U.S.C. § 1001.)

This Request for Information is exempt from the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq.

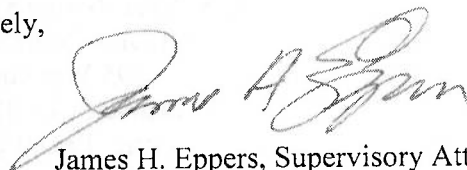
If there are questions concerning this information request, the Company should contact Laurel Dygowski at (303) 312-6144 or dygowski.laurel@epa.gov. If the Company is represented by an attorney who has questions, the attorney should contact Lauren Hammond, Legal Enforcement, at (303) 312-7081 or hammond.lauren@epa.gov.

Thank you for your cooperation.

Sincerely,



Stephanie DeJong, Acting Unit Chief
NPDES Enforcement Unit
Office of Enforcement, Compliance,
and Environmental Justice



James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice

Enclosures:

- (1) Instructions
- (2) Definitions
- (3) Information Request
- (4) Statement of Certification
- (5) CBI Substantiation Requirements
- (6) SBREFA information sheet

ENCLOSURE 1:

INSTRUCTIONS

1. Please answer each numbered item in Enclosure 3 separately and number your response to correspond with each item.
2. Please provide all information in your possession that is responsive to each numbered item in Enclosure 3 as well as each subpart of the numbered item. If you cannot answer any numbered item, please explain why. If any numbered item is not applicable, please indicate N/A.
3. If you do not know or have available in your possession any of the requested information but learn about such information you must supplement your response to the EPA. If, after submitting your response, you learn that any portion of your response is false or misrepresents the truth, you must notify the EPA as soon as possible of the exact manner in which the information is false or misleading.
4. If any information or document is responsive to this request and is not within your possession, custody or control, please identify each person from whom such information or documents may be obtained and where such information or documents are located.
5. If you have reason to believe that any other person may be able to provide additional details or documents, please provide the name, address, and if you know it, the telephone number of each person. Additionally, include a description of the additional information or documents you believe that this person may have.

ENCLOSURE 2:

DEFINITIONS

The following definitions shall apply to the following terms as they appear in this Request. All terms not specifically defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Water Act, 33 U.S.C. §§ 1251-1387, or their respective regulations, in which case the statutory or regulatory definitions shall apply.

Note: This request pertains to activities conducted only within the State of Colorado and for the time frame of September 1, 2013, through the date of your response:

1. The terms “**you**,” “**the Company**,” or “**Hoffman Southwest**” shall mean Hoffman Southwest Corp., and any parent, subsidiary, or affiliated Company, predecessor-or-successor-in interest, or any other related business entity. It also includes any officer, director, manager, employee, contractor, trustee, partner, successor, assign and agent of Hoffman Southwest Corp. or of any such Company or entity;
2. The term “**EPA**” shall mean the United States Environmental Protection Agency;
3. The term “**pollutant**” shall have the same meaning as defined in section 502(6) of the Clean Water Act, 33 U.S.C. § 1362(6);
4. The term “**liquids**” shall mean all fluids, including water that is removed while providing a service and may or may not contain solids, particulates, sediment, or debris of any kind;
5. The term “**solids**” shall mean any particulate, regardless of its size, including but not limited to sand, sediment, rocks, trash, and any non-liquid or gaseous material;
6. The term “**document(s)**” shall mean any written, recorded, or visually or aurally reproduced material of any kind in any medium. These terms shall mean any object that records, stores, or presents information, and includes writings, memoranda, letters, emails, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents shall also include all attachments to or enclosures for the document provided;
7. The term “**identify**” shall mean shall mean, with respect to a corporation, partnership, business trust, or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership), organization, if any, and a brief description of its business;
8. The term “**identify**” shall mean with respect to a document, to provide its customary business description, its date, its number if any (e.g., invoice or purchase order number), and the substance or subject matter;

9. The term “**identify**” shall mean with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position, or business.

ENCLOSURE 3

REQUESTED INFORMATION

Please provide the following information for the time period of September 1, 2013, through the date of your response for all services provided in Colorado:

1. Describe the storm water sewer cleaning and/or maintenance services that the Company provides.
2. For each of the storm water sewer services that the Company provided from September 1, 2013, through the date of your response, identify the following:
 - a. The name and address of the Company or governmental entity to which the services were provided.
 - b. The date(s) that the Company provided those services.
 - c. All documents that evidence the services provided including, but not limited to, the following: invoices, billing statements, written agreements, vehicle logs, manifests, and/or all other equivalent documents.
 - d. The volume of the vacuum trucks used during each of these services. Provide photos of each of the vacuum trucks owned and operated by the Company.
 - e. Provide the frequency that the vacuum trucks have been washed out and the disposal location of the tank liquid wash out.
3. Describe each and every method of disposal employed by the Company for the liquids and solids that result from storm water sewer cleaning services (i.e. land application, surface disposal, disposal into a wastewater treatment facility, disposal into a storm water drain, and/or manhole).
4. If the method of disposal of the liquids and/or solids that resulted from storm drain cleaning services, as listed in item #3, above, was to land or any other surface disposal, please provide the following information:
 - a. A list of all land application and disposal location utilized. Include the name, contact information, and address for each property owner who authorized such disposal. Include the size of the site in acreage, the section, township, and range in which the site is located or the Global Positioning System coordinates, if available.
 - b. Provide the total gallons applied to each site.
 - c. Describe the equipment, container, or truck used to transport the liquids.

- d. Describe whether the equipment, container, or truck used to transport the liquids had a meter, electronic or otherwise, to measure the volume of liquids. If so, provide the volume of liquid in the container or equipment before disposal and after.
 - e. All documentation relating to the disposal, including, but not limited to, the following: invoices, written agreements, manifests, disposal logs, and/or billing statements between the Company and the owner of the site.
 - f. Describe any treatment of the liquids and/or solids that took place prior to the application or disposal.
5. If the method of disposal of the liquids and/or solids, as listed in item #3, above, was to a wastewater treatment facility, provide for each instance of a disposal and, if so, provide the following information:
- a. Each date that the liquids and/or solids were delivered to the wastewater treatment facility.
 - b. The name of the wastewater treatment facility and its address.
 - c. Describe whether the equipment, container, or truck used to transport the liquids solids had a meter, electronic or otherwise, to measure the volume of liquids. If so, provide the volume of liquid in the container or equipment before disposal and after.
 - d. All documentation relating to the disposal, including, but not limited to, the following: invoices, written agreements, manifests, disposal logs, and/or billing statements between the Company and the owner of the site.
 - e. Describe any treatment of the liquids and/or solids that took place prior to the application or disposal.
 - f. Provide the name of each individual at the wastewater treatment facility that had authorized disposal at the facility.
6. If the method of disposing of liquids and/or solids as listed in item #3, above, was to a storm drain or manhole, provide the following information for each disposal:
- a. State the date and time of each disposal.
 - b. For each disposal, state the total number of gallons.
 - c. State the total capacity of the equipment or container from which liquids and/or solids were disposed.
 - d. The latitude, longitude, datum, county, township, range, quarter sections and fractions for rural areas, mileposts, and manhole numbers, if applicable.

- e. If known, describe the weather conditions during the time of disposal (i.e. temperature, precipitation, cloud cover).
7. If liquids and/or solids were disposed of into a storm water drain or manhole during any service, state if that drain or manhole threatened to or did reach any waterway or body of water, including but not limited to wetlands, marshes, or sewers. If it did, provide the following:
- a. Provide the name of the waterway or body of water. Describe the waterway or body of water, including its width, depth, flow rate, the direction of flow, and its condition during the time of the disposal (i.e. low, flooding, dry).
 - b. If known, state the use of each waterway or body of water (i.e. agricultural, drinking).
 - c. Describe the overland pathway(s) from the location of the disposal to the waterway or body of water.
 - d. List any pollutant that was present in the liquids and/or solids. If known, state the quantity, in gallons, and the type of pollutant.
 - e. List each, if any, pollutant disposed of that meets the definition of "hazardous substance" in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601(14).
 - f. If the Company observed the liquids and/or solids entering any waterway or body of water, describe any film, sheen, color, or iridescent appearance that may have been observed on the surface of the waterway or waterbody and its adjoining shorelines. Provide the name, title, and business telephone number of the person making that observation.
8. List any federal, state, tribal or local agencies that may have been aware of or notified of any disposal. Indicate the date and time of each notification and the name, telephone number, and address of each official.
9. List the name, address and business telephone number of each individual answering each item in this Request and describe that individual's relationship to the Company (i.e. employee, contractor).
10. If the Company conducts storm water sewer services in Utah and the disposal method(s) of the liquids and/or solids resulting from the cleaning of storm drains differs from the methods of disposal that the Company provided in response to item 3, above, provide a narrative as to how those methods are different and list the additional methods.

ENCLOSURE 4:

STATEMENT OF CERTIFICATION

Response to Request for Information Pursuant to Section 308 of the Clean Water Act

I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Official Title

ENCLOSURE 5:

Confidential Business Information (CBI) Assertion and Substantiation Requirements

You may assert a business confidentiality claim covering all or part of the information you provide in response to this information request for any business information entitled to confidential treatment under section 308(b) of the Clean Water Act (the Act), 33 U.S.C. § 1318.

Under section 308(b) of the Act, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” 40 C.F.R. § 2.201(e).

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “Company confidential” at the time you submit your response to this information request. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e); (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; (3) the information is not and has not been reasonably obtainable by legitimate means without your consent; and (4) the disclosure of the information is likely to cause substantial harm to your business’s competitive position. *See* 40 C.F.R. § 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. *See* 42 U.S.C. § 7414(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this request for information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following questions with respect to any information or document for which you assert a claim of business confidentiality.

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you have specified.

3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

Submit your answers to the above questions concurrently with your response to this information request if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Lauren Hammond
U.S. EPA Region 8
1595 Wynkoop Street (ENF-L)
Denver, CO 80202-1129
(303) 312-7081

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your answers or comments may be regarded by the EPA as entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b).

As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these questions, as provided in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in section 114(c) of the Act and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a

confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.